

Submission for OMB Review; Comment Request

DOC has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act of 1995 Public Law 104-13.

Agency: Bureau of Economic Analysis.

Title: Institutional Remittances to Foreign Countries.

Agency Form Number: BE-40.

OMB Number: 0608-0002.

Type of Review: Reinstatement of a previously approved collection.

Burden: 1,212 reporting hours.

Number of Respondents: 382 respondents.

Avg. Hours Per Response: 1.5 hours.

Needs and Uses: The survey is required in order to obtain comprehensive initial data concerning the transfer (gifts, grants, donations, etc.) by private nonprofit U.S. institutions to foreign countries. The data are needed primarily to compile the U.S. international accounts.

Affected Public: Non-profit Institutions.

Frequency: Quarterly for institutions transferring \$1 million or more each year, annually for all others.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Paul Bugg, (202) 395-7340.

Copies of the above information collection proposal can be obtained by calling or writing Acting DOC Forms Clearance Officer, Linda Engelmeier, (202) 482-3272, Department of Commerce, Room 5327, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230.

Written comments and recommendations for the proposed information collection should be sent to Paul Bugg, OMB Desk Officer, Room 10201, New Executive Office Building, Washington, D.C. 20503.

Dated: January 24, 1997.

Linda Engelmeier,

Acting Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 97-2354 Filed 1-30-97; 8:45 am]

BILLING CODE: 3510-EA-P

International Trade Administration

[A-201-504]

Porcelain-on-Steel Cookware From Mexico: Preliminary Results of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of preliminary results of antidumping duty administrative review.

SUMMARY: In response to a request by respondents, Cinsa, S.A. de C.V. ("Cinsa") and Esmaltaciones de Norte America, S.A. de C.V. ("ENASA"), the Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on porcelain-on-steel cookware from Mexico. This review covers the above manufacturers/exporters of the subject merchandise to the United States. The period of review (POR) is December 1, 1994, through November 30, 1995. This is the ninth period of review.

We preliminarily determine that sales have been made below normal value (NV). If these preliminary results are adopted in our final results of administrative review, we will instruct U.S. Customs to assess antidumping duties on all appropriate entries.

Interested parties are invited to comment on these preliminary results. Parties who submit arguments in this proceeding should also submit with the argument: (1) a statement of the issue, and (2) a brief summary of the argument.

EFFECTIVE DATE: January 31, 1997.

FOR FURTHER INFORMATION CONTACT: Dolores Peck or Kate Johnson, AD/CVD Enforcement Group II, Import Administration—Room B099, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, DC 20230; telephone: (202) 482-4929.

SUPPLEMENTARY INFORMATION:

The Applicable Statute

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the Act), by the Uruguay Rounds Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department's regulations are to the current regulations, as amended by the interim regulations published in the Federal Register on May 11, 1995 (60 FR 25130).

Background

On October 10, 1986, the Department published in the Federal Register (51 FR 36435) the final affirmative antidumping duty determination on certain porcelain-on-steel cookware from Mexico. We published an antidumping duty order on December 2,

1986 (51 FR 43415). On December 4, 1995, the Department published the Opportunity to Request an Administrative Review of this order for the period December 1, 1994, through November 30, 1995 (60 FR 62071). The Department received a request for an administrative review of exports from Cinsa and ENASA, affiliated producers/exporters of the subject merchandise, and from General Housewares Corporation, the petitioner. We published a notice of initiation of the review on February 1, 1996 (61 FR 3670).

Under section 751(a)(3)(A) of the Act, the Department may extend the deadline for completion of an administrative review if it determines that it is not practicable to complete the review within the statutory time limit of 365 days. On August 6, 1996, the Department extended the time limit for the preliminary results in this case. See Extension of Time Limit for Antidumping Duty Administrative Review, 61 FR 40819 (August 6, 1996).

The Department is conducting this review in accordance with section 751(a) of the Act.

Scope of the Review

Imports covered by this review are shipments of porcelain-on-steel cookware, including tea kettles, which do not have self-contained electric heating elements. All of the foregoing are constructed of steel and are enameled or glazed with vitreous glasses. This merchandise is currently classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheading 7323.94.00. Kitchenware currently entering under HTSUS subheading 7323.94.00.30 is not subject to the order. Although the HTSUS subheadings are provided for convenience and Customs purposes, our written description of the scope of this proceeding is dispositive.

Transactions Reviewed

In accordance with section 751(a)(2) of the Act, the Department is required to determine the EP (or CEP) and NV of each entry of subject merchandise.

In determining NV, based on a review of respondents' submissions, the Department determined that ENASA should report all sales of heavy gauge (HG) cookware in conjunction with a promotion agreement signed during the POR because the Department determined that the sales in question occurred during the POR. See Memorandum For Louis Apple From The Team, dated December 16, 1996 ("Issues Memorandum").

Affiliated Parties Issue

Petitioner claimed that the facts on the record of this administrative review indicate that the relationship of respondents Cinsa and ENASA to their parent, Grupo Industrial Saltillo, S.A. de C.V. ("GIS" or "GISSA"), is such that there exists a strong possibility of manipulating prices or affecting production decisions. In addition, petitioner placed on the record of this review correspondence from Cinsa in the previous review wherein Cinsa stated that all GIS majority-owned related companies should be collapsed. Furthermore, petitioner argued that in the previous review, in making the preliminary decision not to collapse these two companies, the Department had failed to consider other criteria which the Department normally looks at in making such decisions.

In the preliminary results for the 8th review, the Department decided not to collapse Cinsa and ENASA because during that review we verified that ENASA's manufacturing facilities are separate from Cinsa's. The verification report noted that the machinery that Cinsa used to make light-gauge (LG) cookware could not be used to make the heavy-gauge (HG) cookware produced by ENASA without fundamental and expensive retooling.

The Department's proposed regulations would codify its current practice for determining when to "collapse" producers of subject merchandise:

In an antidumping proceeding under this part, the Secretary will treat two or more affiliated producers as a single entity where those producers have production facilities for similar or identical products that would not require substantial retooling of either facility in order to restructure manufacturing priorities and the Secretary concludes that there is a significant potential for the manipulation of price or production.

See Antidumping Duties; Countervailing Duties (Notice of Proposed Rulemaking and Request for Public Comments). 61 FR 7308, 7330 and 7381 (February 27, 1996), at section 351.401.

As is evident from the above regulation, the Department will collapse two producers if each of three requirements are met: (1) the producers must be "affiliated"; (2) they must have manufacturing facilities sufficiently similar that no substantial retooling would be needed to restructure manufacturing priorities with respect to the subject merchandise, and (3) the Department concludes, based on the listed factors, that there is a significant potential for manipulation of pricing or production decisions.

Under the new statute (which applies to this 9th review), the definition of "affiliated parties" includes "[t]wo or more persons directly or indirectly controlling, controlled by, or under common control with, any person." 19 U.S.C. 1677(33)(F)(1996). The facts on the record of this review indicate that Cinsa and ENASA are controlled by the same parent, and are thus affiliated.

Although we consider both HG and LG cookware to be subject merchandise, they are not similar products and therefore cannot be reasonably compared for the purposes of determining dumping margins. HG and LG cookware differ significantly in the area of material composition and fabrication. HG cookware is made with a heavier gauge of steel and has a heavier coating of enamel with a different chemical composition than the enamel types used for LG cookware. Also, HG and LG are usually not approximately equal in commercial value.

Moreover, we verified in the 8th review that extensive and expensive retooling would be necessary for Cinsa to produce HG products or for ENASA to produce LG products. According to Cinsa, although both Cinsa and ENASA use stamping equipment to stamp metal forms out of sheet metal, the stamping machines are not interchangeable. Also, more powerful equipment is needed for the production of HG cookware, equipment which is not suitable for LG steel. In addition, LG and HG cookware require totally different die types for use in the stamping equipment. Moreover, HG cookware production requires three different furnaces: one for the enamel coatings, one for decorative coatings, and one for the application of the nonstick surface. However, in LG cookware production a single furnace is used for enamel and decorative coatings and there is no application of nonstick coatings. Finally, the different chemical composition of the enamel coatings used in HG and LG cookware requires different cleaning treatments prior to the application of the enamel. (See April 22, 1996, response at 28.) Verification did not contradict any of these statements.

We have determined that the differences between the production facilities for LG and HG cookware dictate that the second criterion for collapsing affiliated parties is not met. Therefore, Cinsa and ENASA will receive separate dumping margins.

Petitioner further argued that Cinsa and ENASA should be collapsed because they both have the capability to produce medium gauge cookware. This issue of medium gauge of cookware was not raised in prior reviews. Respondents

asserted that this issue was irrelevant since neither respondent sold medium gauge cookware in the United States. We requested supplemental information from respondents regarding the possibility that both respondents manufacture an overlapping product. Respondents claimed that prior to 1994 Cinsa produced a few medium and heavy gauge products. However Cinsa ceased its production of older models of medium and heavy gauge after the establishment of ENASA in late 1993 and Cinsa's tooling was sold off as scrap. Evidence on the record does not suggest that Cinsa and ENASA both produced medium gauge cookware during the POR.

Petitioner argues that any collapsing decision must be based on the totality of the circumstances, such that the absence of overlapping production facilities must be weighed against the concerns associated with a substantial degree of common control. However, under the Department's current practice, the existence of production facilities for similar or identical merchandise, while not necessarily determinative, is essential. Thus, while we would not collapse based solely upon that one criterion, we will not collapse if that criterion is not met. See *Certain Corrosion-Resistant Carbon Steel Flat Products and Certain Cut-to-Length Carbon Steel Plate From Canada*, 60 FR 42511, 42512 (August 16, 1995) (Preliminary); 61 FR 13815 (March 28, 1996) (Final). In *Certain Cold Rolled Carbon Steel Flat Products From Korea*, 60 FR 65284, 65285 (December 19, 1995) (Preliminary); 61 FR 18547 (April 26, 1996) (Final).

Because we have preliminarily determined that the production facilities of Cinsa and ENASA would require substantial retooling in order to produce similar or identical products, we are not treating these firms as a single entity for the purpose of assigning an antidumping margin.

Product Comparisons

In accordance with section 771(16) of the Act, we considered all products produced by the respondents, covered by the description in the "Scope of the Review" section, above, and sold in the home market during the POR, to be foreign like products for purposes of determining appropriate product comparisons to U.S. sales. Where there were no sales of identical merchandise in the home market to compare to U.S. sales, we compared U.S. sales to the next most similar foreign like product on the basis of the characteristics listed in the description of the merchandise and product description sections of

respondents' March 11, 1996, and April 22, 1996, questionnaire responses. In making the product comparisons, we matched foreign like products based on the physical characteristics reported by the respondents.

We have rejected respondent Cinsa's argument that HG and LG cookware constitute distinct "classes or kinds" of merchandise and, therefore, we should calculate separate margins for HG and LG cookware. The scope of an order constitutes a single class or kind of merchandise, *i.e.* the "subject merchandise."

The order under review covers both HG and LG cookware. Cinsa has conceded that point by requesting rates for both HG and LG cookware. Thus, in effect, Cinsa argues not that there are separate classes or kinds of merchandise, but rather that HG and LG are sufficiently different to warrant separate rates. While the Department has calculated separate margins for different classes of products in exceptional circumstances, the record of this proceeding does not establish circumstances sufficient to warrant product-specific rates.

Date of Sale

For Cinsa sales to the United States, we used the invoice date as the date of sale since this represents the first occasion where the price and quantity are fixed.

ENASA stated that its date of sale for sales to the United States should be the date of the ultimate reconciliation between ENASA's affiliated distributor, Yamaka China, Inc. ("Yamaka") and the unaffiliated customer, while petitioner favored the date of the contract between Yamaka and its unaffiliated customer.

We reviewed the terms of the contract between Yamaka and an unaffiliated customer. Because the contract constitutes a binding agreement in the nature of a requirements contract, whereby Yamaka and the unaffiliated customer agreed upon the price and quantity (whatever was sold in connection with the promotion, with a guarantee of repurchase for items not sold at retail), the date of this contract is the appropriate date of sale for all cookware sold to the United States in connection with the promotion. See Issues Memorandum.

For Cinsa and ENASA sales in the home market, we used invoice date as the date of sale.

Fair Value Comparisons

To determine whether sales of porcelain-on-steel cookware by Cinsa and ENASA to the United States were made at less than fair value, we

compared EP (or CEP) to the NV, as described in the "Export Price (or Constructed Export Price)" and "Normal Value" sections of this notice.

Mexico experienced significant inflation during the POR, as measured by the consumer price index published in International Financial Statistics and the consumer price index from the Bank of Mexico. Accordingly, to avoid the distortions caused by the effects of this level of inflation on prices, we limited our comparisons to sales in the same month and did not apply the Department's 90/60 rule, whereby the Department uses NV from three months prior to and two months after the month in which the U.S. sale was made. See *Certain Welded Carbon Steel Pipes and Tubes from Thailand: Final Results of Antidumping Duty Administrative Review*, 56 FR 58356, 58359 (November 19, 1991).

Export Price and Constructed Export Price

For certain sales made by Cinsa, and all sales made by ENASA, we calculated EP in accordance with section 772(a) of the Act, because the subject merchandise was sold directly to the first unaffiliated purchaser in the United States prior to importation and because CEP was not otherwise indicated. We based EP on packed prices to unaffiliated purchasers in the United States. We made deductions from the gross unit price, where appropriate, for U.S. and foreign inland freight, U.S. and Mexican brokerage and handling expenses, U.S. duty and rebates.

For certain sales made by Cinsa during the POR, we used CEP in accordance with section 772(b) of the Act, because the subject merchandise was sold for the account of the Cinsa by its affiliated sales companies after having been imported into the United States. We based CEP on packed prices to unaffiliated purchasers in the United States. We made deductions from the gross unit price, where appropriate, for U.S. and foreign inland freight, U.S. and Mexican brokerage and handling expenses, U.S. duty and rebates.

We made further deductions, where appropriate, for credit, commissions, and indirect selling expenses that were associated with economic activities occurring in the United States. Finally, we made an adjustment for CEP profit in accordance with section 772(d)(3) of the Act.

Normal Value

Based on a comparison of the aggregate quantity of home market and U.S. sales, we determined that the quantity of the foreign like product sold

in the exporting country was sufficient to permit a proper comparison with the sales of the subject merchandise to the United States, pursuant to section 773(a) of the Act. Therefore, in accordance with section 773(a)(1)(B)(i) of the Act, we based NV on (1) either the VAT-exclusive price at which the foreign like product was first sold for consumption in the home market or (2) CV, as noted in the "Price to Price Comparisons" and "Price to CV Comparisons" sections of this notice.

Level of Trade

As set forth in section 773(a)(1)(B)(i) of the Act and in the Statement of Administrative Action (SAA) accompanying the URAA, H.R. Doc. No. 316, 103d Cong., 2d Sess at 870. (1994) (SAA), at 829-831, to the extent practicable, the Department will calculate NV based on sales at the same level of trade as the U.S. sale. When the Department is unable to find sale(s) in the comparison market at the same level of trade as the U.S. sale(s), the Department may compare sales in the U.S. to foreign market sales at a different level of trade. See *Final Determination of Sales at Less than Fair Value; Certain Pasta from Italy*, 61 FR 30326 (June 14, 1996) (Pasta from Italy).

In accordance with section 773(a)(7)(A) of the Act, in comparing U.S. sales to NV sales, the Department will adjust the NV to account for any difference in level of trade if two conditions are met. First, the sales must in fact be made at different levels of trade, which can exist only if there are differences between the actual selling functions performed by the seller at the level of trade of the U.S. sale and the level of trade of the NV sale. Second, the difference must affect price comparability as evidenced by a pattern of consistent price differences between sales at the different levels of trade in the market in which NV is determined.

Section 773(a)(7)(B) of the Act establishes that a CEP "offset" may be made when two conditions exist: (1) NV is established at a level of trade which constitutes a more advanced stage of distribution than the level of trade of the CEP and; (2) the data available do not provide an appropriate basis for a level-of-trade adjustment.

In order to determine that there is a difference in level of trade, the Department must find that two sales have been made at different stages of marketing, or the equivalent. Different stages of marketing necessarily involve differences in selling functions, but differences in selling functions (even substantial ones) are not alone sufficient to establish a difference in the level of

trade. Similarly, seller and customer descriptions (such as "distributor" and "wholesaler") are useful in identifying different levels of trade, but are insufficient to establish that there is a difference in the level of trade. See *Certain Corrosion-Resistant Carbon Steel Flat Products and Certain Cut-to-Length Carbon Steel Plate from Canada: Preliminary Results of Antidumping Duty Administrative Review*, 61 FR 51891, 51895-96 (October 4, 1996) (Steel from Canada).

Pursuant to section 773(a)(7)(B)(i) of the Act and the SAA at 827, in identifying levels of trade for EP and home market sales, we considered the selling functions reflected in the starting price of these transactions before any adjustments. For CEP sales, we considered only the selling activities reflected in the constructed price, *i.e.*, after expenses and profit were deducted under section 772(d) of the Act. Whenever sales were made by or through an affiliated company or agent, we considered all selling activities by affiliated parties, except for those selling activities associated with the expenses deducted under section 772(d) of the Act in CEP situations.

In implementing this principle in this review, we examined information regarding the selling activities of the producers/exporters associated with each stage of marketing, or the equivalent. In addition, we examined any claimed levels of trade (LOTS) reported by each respondent in response to our initial and supplemental questionnaires (see February 8, 1996, and September 10, 1996, letters from the Department to respondents).

In reviewing the selling functions reported by the respondents, we considered all types of selling activities, both claimed and unclaimed, that had been performed. In analyzing whether separate LOTS existed in this review, we found that no single selling activity was sufficient to warrant a separate LOT (see Notice of Proposed Rulemaking and Request for Public Comments, 61 FR 7307, 7348 (February 27, 1996)). For this review, we determined that the following selling functions and activities are relevant to the cookware industry: (1) inventory maintenance; (2) technical services; (3) warranty services; (4) customer advice and product information; (5) delivery arrangements; (6) sales from warehouse vs. direct sales; and (7) direct advertising. We did not consider trade discounts as a selling function (see Pasta from Italy).

When examining claimed LOTS, we analyzed the selling activities associated with the classes of customers and marketing stages the respondents

reported. In applying this analysis, we expect that, if claimed LOTS are the same, the functions and activities of the seller should be similar. Conversely, if a party claims that LOTS are different for different groups of sales, the functions and activities of the seller should be dissimilar. The Department not only examines the types of selling activities, but weighs the overall function performed for each claimed level of trade. In determining whether separate LOTS existed in the home market, pursuant to section 773(a)(1)(B)(i) of the Act, we considered the selling functions reflected in the starting price of the home market sales before any adjustment.

In their questionnaire responses, Cinsa and ENASA stated that there were no differences in selling activities by customer categories within each market. Respondents requested a level of trade adjustment based on the fact that U.S. sales are made at a level of trade more remote from the customer and in significantly larger quantities than sales in the home market. However, as discussed below, we did not find any differences in levels of trade and therefore no level of trade adjustment or CEP offset is warranted.

We reviewed respondents' questionnaire responses in order to confirm that the selling functions of Cinsa and ENASA did not differ among customer categories in the U.S. and home market.

Cinsa and ENASA sold to multiple customers both in the United States and home markets. In their April 22, 1996, questionnaire responses both Cinsa and ENASA indicated that they do not differentiate pricing, sales terms or delivery terms by type of customer. They also stated in their request for a level of trade adjustment that sales support activities for both markets were generally the same. Thus, our analysis of the questionnaire responses leads us to conclude that sales within each market and between markets are not made at different levels of trade. Accordingly, we preliminarily find that all sales in the home market and the U.S. market are made at the same level of trade. Therefore, all sales comparisons are at the same level of trade and an adjustment pursuant to section 773(a)(7)(A) is unwarranted.

Cost of Production Analysis

The Department disregarded certain sales made by Cinsa for the period December 1, 1991, through November 30, 1992, (the most recently completed review of Cinsa) pursuant to a finding in that review that sales were made below cost. Thus, in accordance with

section 773(b)(2)(A)(ii) of the Act, there are reasonable grounds to believe or suspect that respondent Cinsa made sales in the home market at prices below the cost of producing the merchandise in the current review period. As a result, the Department initiated an investigation to determine whether the respondent made home market sales during the POR at prices below their COP within the meaning of section 773(b) of the Act.

A. Calculation of COP

We calculated the COP based on the sum of Cinsa's cost of materials and fabrication costs for the foreign like product, plus amounts for home market selling, general, and administrative expenses ("SG&A") and packing costs in accordance with 19 C.F.R. 353.51(c).

As noted above in the Fair Value section, we determined that the Mexican economy experienced high inflation during the POR. Therefore, in order to avoid the distortive effect of inflation on our comparisons of costs and prices, we requested that Cinsa submit current monthly model-specific production costs incurred during each month of the POR. For certain models sold during the POR, Cinsa approximated current production costs because the company did not manufacture these models during the POR. We calculated a model-specific total and variable cost of manufacturing during the POR. Using the consumer price index for Mexico maintained by the Bank of Mexico and provided by respondents in their response, we indexed the total and variable POR model-specific costs to an common point (November, 1995), the last month of the POR). We then divided the sum of the total POR model-specific costs by the total model-specific production quantity to obtain a model-specific POR weighted-average cost corresponding to the November, 1995, common point. The weighted average cost of manufacturing was then restated in the currency value of each respective month and used to calculate a monthly COP for each product.

We relied on COP information submitted by Cinsa, except in the following instances where it was not appropriately quantified or valued: (1) frit prices from an affiliated supplier did not approximate fair market value prices; therefore, we increased direct materials by the percentage required to adjust the reported cost of frit to reflect fair market prices; (2) we included revalued depreciation in our calculation of fixed overhead since this cost related to depreciation of the production plant and equipment; (3) we added profit

sharing expenses to the variable cost of manufacture because they relate to the compensation of direct labor; and (4) we revised Cinsa's submitted interest costs to exclude the calculation of negative interest expense.

B. Test of Home Market Prices

We compared the monthly weight-averaged per unit COP figures, indexed to account for the effects of inflation as noted above, to home market sales of the foreign like product as required under section 773(b) of the Act, in order to determine whether these sales were made at prices below the COP. In determining whether to disregard home market sales made at prices below the COP, we examined whether (1) within an extended period of time, such sales were made in substantial quantities, and (2) such sales were made at prices which permitted the recovery of all costs within a reasonable period of time. On a product-specific basis, we compared the COP to the home market prices, less any applicable movement charges, rebates, discounts, and direct and indirect selling expenses.

C. Results of COP Test

Pursuant to section 773(b)(2)(C), where less than 20 percent of respondent's sales of a given product were at prices less than the COP, we did not disregard any below-cost sales of that product because we determined that the below-cost sales were not made in "substantial quantities." Where 20 percent or more of a respondent's sales of a given product during the POR were at prices less than the COP, we disregarded the below-cost sales where such sales were found to be made at prices which would not permit the recovery of all costs within a reasonable period of time (in accordance with section 773(b)(2)(D) of the Act). Where all sales of a specific product were at prices below the COP, we disregarded all sales of that product, and calculated NV based on CV, in accordance with section 773(b)(1) of the Act.

D. Calculation of CV

In accordance with section 773(e)(1) of the Act, we calculated a CV based on

the sum of respondents' cost of materials, fabrication, SG&A, and U.S. packing costs as reported in the U.S. sales listing. We calculated CV based on the methodology described in the calculation of COP above.

In accordance with section 773(e)(2)(A), we based SG&A and profit on the actual amounts incurred and realized by Cinsa and ENASA in connection with the production and sale of the foreign like product in the ordinary course of trade, for consumption in the foreign country. For selling expenses, we used the weighted average home market selling expense. Where we compared EP to CV, we deducted from CV the weighted-average home market direct selling expenses and added the weighted-average U.S. product-specific direct selling expenses, in accordance with section 353.56(a)(2) of the Department's regulations.

E. Price to Price Comparisons

For those comparison products for which there were sales at prices above the COP, we based Cinsa's NV on home market prices. We based ENASA's NV on home market prices. For both respondents, we calculated NV based on the VAT-exclusive gross unit price and deducted, where appropriate, inland freight, rebates, and early payment discounts.

For comparisons to Cinsa and ENASA's EP sales, we made a circumstance-of-sale adjustment, where appropriate, for differences in credit expenses. For comparisons to Cinsa's CEP sales, we also deducted credit expenses and commissions from NV. We did not make an adjustment for packing expenses because both respondents reported that such costs were identical on a per-unit basis in the two markets. We also made adjustments to NV, where appropriate, for differences in costs attributable to differences in physical characteristics of the merchandise, pursuant to section 773(a)(6)(C)(ii) of the Act.

In order to make appropriate comparisons of differences in costs between models sold over the POR, and to account for the effects of inflation, all costs were expressed in currency values

corresponding to November, 1995, the last month of the POR. Using these November based costs, we then calculated a per-unit model-specific weighted-average variable and total cost of manufacturing. These weighted-average costs were then indexed to the currency value of the month of the comparison U.S. sale. The adjusted monthly variable costs of manufacturing for U.S. and home market products were then compared to arrive at the difference in merchandise adjustment. Where the difference in merchandise adjustment for any product exceeded 20 percent of the indexed COM of the U.S. product, we based NV on CV.

F. Price to CV

Where we compared EP or CEP to CV, we deducted from CV the weighted-average home market direct selling expenses and added the United States direct selling expenses.

Currency Conversion

For purposes of the preliminary results, we made currency conversions based on the official exchange rates in effect on the dates of the U.S. sales as certified by the Federal Reserve Bank of New York. Section 773 A(a) of the Act directs the Department to use a daily exchange rate in order to convert foreign currencies into U.S. dollars, unless the daily rate involves a "fluctuation." In accordance with the Department's practice, we have determined as a general matter that a fluctuation exists when the daily exchange rate differs from a benchmark by 2.25 percent. The benchmark is defined as the rolling average of rates for the past 40 business days. When we determine a fluctuation existed, we substitute the benchmark for the daily rate. However, for the preliminary results in this review, we have not determined that a fluctuation exists, and we have not substituted the benchmark for the daily rate.

Preliminary Results of the Review

As a result of this review, we preliminarily determine that the following weighted-average dumping margins exist:

Manufacturer/exporter	Period	Margin
Cinsa	12/1/94-11/30/95	12.39
ENASA.	12/1/94-11/30/95	12.64

Parties to the proceeding may request disclosure within five days of the date of publication of this notice. Any interested party may request a hearing within 10 days of publication. Any

hearing, if requested, will be held 44 days after the date of publication or the first business day thereafter.

Issues raised in hearings will be limited to those raised in the respective

case briefs and rebuttal briefs. Case briefs from interested parties and rebuttal briefs, limited to the issues raised in the respective case briefs, may be submitted not later than 30 days and

37 days, respectively, from the date of publication of these preliminary results. Parties who submit case briefs or rebuttal briefs in this proceeding are requested to submit with each argument (1) a statement of the issue and (2) a brief summary of the argument.

The Department will subsequently publish the final results of this administrative review, including the results of its analysis of issues raised in any such written briefs or at the hearing, if held, not later than 120 days after the date of publication of this notice.

The Department shall determine and the Customs Service shall assess, antidumping duties on all appropriate entries. The Department will issue appropriate appraisal instructions directly to the Customs Service upon completion of this review.

Furthermore, the following deposit requirements will be effective upon publication of the final results of this antidumping duty review for all shipments of porcelain-on-steel cookware from Mexico, entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a) of the Tariff Act: (1) The cash deposit rates for the reviewed companies will be those established in the final results of review; (2) for exporters not covered in this review, but covered in the LTFV investigation or prior reviews, the cash deposit rate will continue to be the company-specific rate from the LTFV investigation or the prior review; (3) if the exporter is not a firm covered in this review, a prior review, or the original LTFV investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; (4) the cash deposit rate for all other manufacturers or exporters will continue to be 29.52 percent, the "All Others" rate made effective by the LTFV investigation. These requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice serves as a preliminary reminder to importers of their responsibility under 19 C.F.R. 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This administrative review and notice are published in accordance with

section 751(a)(1) of the Act and 19 CFR 353.22.

Dated: January 21, 1997.

Robert S. LaRussa,

Acting Assistant Secretary for Import Administration.

[FR Doc. 97-2350 Filed 1-30-97; 8:45 am]

BILLING CODE 3510-DS-P

Intent to Revoke Antidumping Duty Orders and Findings and to Terminate Suspended Investigations

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Intent to Revoke Antidumping Duty Orders and Findings and to Terminate Suspended Investigations.

SUMMARY: The Department of Commerce (the Department) is notifying the public of its intent to revoke the antidumping duty orders and findings and to terminate the suspended investigations listed below. Domestic interested parties who object to these revocations and terminations must submit their comments in writing no later than the last day of February 1997.

EFFECTIVE DATE: January 31, 1997.

FOR FURTHER INFORMATION CONTACT: Michael Panfeld or the analyst listed under Antidumping Proceeding at: Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street & Constitution Avenue, N.W., Washington, D.C. 20230.

SUPPLEMENTARY INFORMATION:

Background

The Department may revoke an antidumping duty order or finding or terminate a suspended investigation if the Secretary of Commerce concludes that it is no longer of interest to interested parties. Accordingly, as required by § 353.25(d)(4) of the Department's regulations, we are notifying the public of our intent to revoke the following antidumping duty orders and findings and to terminate the suspended investigations for which the Department has not received a request to conduct an administrative review for the most recent four consecutive annual anniversary months:

Antidumping Proceeding

Austria

Railway Track Maintenance
Equipment
A-433-064
43 FR 6937
February 17, 1978
Contact: Paul Stolz at (202) 482-4474

Germany

Sodium Thiosulfate
A-428-807
56 FR 6623
February 19, 1991
Contact: Lyn Johnson at (202) 482-5287

Japan

Benzyl Paraben
A-588-816
56 FR 5795
February 13, 1991
Contact: Leon McNeill at (202) 482-4236

Japan

Butt-Weld Pipe Fittings
A-588-602
52 FR 4167
February 10, 1987
Contact: Sheila Forbes at (202) 482-5253

Japan

Melamine
A-588-056
42 FR 6366
February 2, 1977
Contact: Todd Peterson at (202) 482-4195

The People's Republic of China

Sodium Thiosulfate
A-570-805
56 FR 6623
February 19, 1991
Contact: Lyn Johnson at (202) 482-5287

The United Kingdom

Sodium Thiosulfate
A-412-805
56 FR 6623
February 19, 1991
Contact: Lyn Johnson at (202) 482-5287

Venezuela

Gray Portland Cement and Clinker
A-307-803
57 FR 6706
February 27, 1992
Contact: Nithya Nagarajan at (202) 482-0193

Spain

Potassium Permanganate
A-469-007
49 FR 2277
January 19, 1984
Contact: Paul Stolz at (202) 482-4474

If no interested party requests an administrative review in accordance with the Department's notice of opportunity to request administrative review, and no domestic interested party objects to the Department's intent to revoke or terminate pursuant to this notice, we shall conclude that the antidumping duty orders, findings, and suspended investigations are no longer of interest to interested parties and shall proceed with the revocation or termination.

Opportunity to Object

Domestic interested parties, as defined in § 353.2(k)(3), (4), (5), and (6)